



AN ACT REVISING DEATH CERTIFICATE FEES AND PROVIDING FOR THEIR USE AS A FUNDING SOURCE OF THE BOARD OF FUNERAL SERVICE; REQUIRING THE BOARD TO REPORT TO THE ECONOMIC AFFAIRS INTERIM COMMITTEE; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 7-4-2631 AND 50-15-111, MCA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Special revenue account -- use of funds -- reporting requirement. (1) The department shall deposit in the state special revenue fund for use by the board the death certificate fees transferred to the department pursuant to 7-4-2631 and 50-15-111.

(2) The revenue received by the board under subsection (1) must be used by the board for the general administration of the board.

(3) The board may not reduce license fees to offset revenue raised by the death certificate fee.

(4) Any money in excess of the amount allowed for board costs under 37-1-134 must be deposited in the state general fund.

(5) The board shall report to the economic affairs interim committee as provided in 5-11-210 on the status of the special revenue account and fees charged as a funding source for the board.

Section 2. Section 7-4-2631, MCA, is amended to read:

"7-4-2631. Fees of county clerk. (1) Except as provided in 7-2-2803(4), 7-4-2632, ~~and 7-4-2637~~, and this section, the county clerks shall charge, for the use of their respective counties:

(a) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, \$5;

(b) for filing of subdivision and townsite plats, \$25 plus:

- (i) for each lot up to and including 100, 50 cents;
 - (ii) for each additional lot in excess of 100, 25 cents;
 - (c) for filing certificates of surveys and amendments thereto, \$25 plus 50 cents per tract or lot;
 - (d) for each page of a document required to be filed with a subdivision, townsite plat, or certificate of survey for which a filing fee is not otherwise set by law, \$1;
 - (e) for a copy of a record or paper:
 - (i) for the first page of any document, 50 cents, and 25 cents for each subsequent page; and
 - (ii) for each certification with seal affixed, \$2;
 - (f) for searching an index record of files of the office for each year when required in abstracting or otherwise, 50 cents;
 - (g) for administering an oath with certificate and seal, no charge;
 - (h) for taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;
 - (i) for filing, indexing, or other services provided for by Title 30, chapter 9A, part 5, the fees prescribed under those sections;
 - (j) for recording each stock subscription and contract, stock certificate, and articles of incorporation for water users' associations, \$3;
 - (k) for filing a copy of notarial commission and issuing a certificate of official character of such notary public, \$2;
 - (l) for each certified copy of a birth certificate, \$8, ~~and for each certified copy of a death certificate, \$5,~~
and for each certified copy of a death certificate, \$7;
 - ~~(m)~~(m) for electronic storage of minutes of an administrative board, district, or commission pursuant to 7-1-204, 7-11-1030, 7-13-2350, 7-22-2113, 7-33-2112, or 76-15-324, no charge; and
 - ~~(n)~~(n) for filing, recording, or indexing any other instrument not expressly provided for in this section or 7-4-2632, the same fee provided in this section or 7-4-2632 for a similar service.
- (2) The county clerks shall charge, for the use of their respective counties, the fee as provided in 7-4-2632 for recording and indexing the following:
- (a) each certificate of location of a quartz or placer mining claim or millsite claim, including a certificate that the instrument has been recorded with the seal affixed; and

(b) each affidavit of annual labor on a mining claim, including a certificate that the instrument has been recorded with the seal affixed.

(3) State agencies submitting documents to be put of record shall pay the fees provided for in this section. If a state agency or political subdivision has requested an account with the county clerk, any applicable fees must be paid on a periodic basis.

(4) (a) A county shall transfer \$2 of each fee collected for a death certificate issued under subsection (1)(l) to the department of revenue for deposit in the account in the state special revenue fund to the credit of the board of funeral service.

(b) The fee must be transferred monthly unless the department and the county have agreed to a different transfer schedule."

Section 3. Section 50-15-111, MCA, is amended to read:

"50-15-111. Certified copy fee fees -- transfer. (1) The department shall prescribe, by rule, a fee for:

- (a) a certified copy of certificates or records other than a death certificate;
- (b) a search of files or records when a copy is not made;
- (c) a copy of information provided for statistical or administrative purposes as allowed by law;
- (d) the replacement of a birth certificate subsequent to adoption, legitimation, paternity determination or acknowledgment, or court order;
- (e) filing a delayed registration of a vital event;
- (f) the amendment of a vital record, after 1 year from the date of filing; and
- (g) other services specified by this chapter or by rule.

(2) (a) The minimum fee for a death certificate must be:

(i) \$16 for each certified copy, including any additional certified copies requested at the same time as the first certified copy; and

(ii) \$14 for each informational copy of a death certificate.

(b) The department may, by rule, prescribe a fee for a death certificate that is higher than the minimum fee listed in subsection (2)(a).

~~(2)(3)~~ Fees received under subsection (1) must be deposited in the state special revenue fund to be

used by the department for:

- (a) the maintenance of indexes to vital records;
 - (b) the preservation of vital records; and
 - (c) the administration of the system of vital statistics.
- (4) For fees received under subsection (2)(a), the department shall:

(a) transfer \$1 of each fee to the department of labor and industry for use as provided in [section 1];

and

(b) deposit the remainder of the fee in the state special revenue fund to be used by the department for the purposes listed in subsection (3)."

Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 19, part 2, and the provisions of Title 37, chapter 19, part 2, apply to [section 1].

Section 5. Effective date. [This act] is effective July 1, 2021.

- END -

I hereby certify that the within bill,
HB 139, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 139

INTRODUCED BY T. WELCH

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